

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)
)
)
 Plaintiff,)
)
) No. 3:17-CR-113-TWP-CCS
v.)
)
)
GRENARDRIC LEON WILLIAMS,)
)
)
 Defendant.)

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation as may be appropriate. This case came before the Court on December 19, 2017, for an evidentiary and motion hearing on the Defendant's Motion to Suppress [Doc. 20]. Assistant United States Attorney Bart Slabbekorn, Jr., appeared on behalf of the Government. Attorney Joseph A. Fanduzz represented the Defendant, who was also present.

On November 16, 2017, the Defendant filed a motion to continue the December 19 trial date, stating that a continuance was necessary to permit him to litigate his suppression motion, filed that same day. At the evidentiary hearing, the Government did not object to the requested continuance. The undersigned questioned the Defendant, who stated that he understood counsel's request for a trial continuance and that he would remain in custody until his new trial date. The parties agreed on a new trial date of April 17, 2018.

The Court finds the Defendant's motion to continue the trial to be well-taken and that the ends of justice served by granting a continuance outweigh the interest of the Defendant and the

public in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). On November 16, 2017, the Defendant filed a Motion to Suppress [Doc. 20], asking the Court to suppress evidence seized during the warrantless search of his person and car on May 4, 2017. The Court heard the testimony of four witnesses, reviewed nine exhibits, and heard the Government's argument at the hearing on December 19, 2017. The Court granted defense counsel's request to file post-hearing briefs and set a deadline of December 29, 2017, for post-hearing briefs from either party. Either party may file a responding brief on or before January 5, 2018. Once the briefing is completed, the undersigned will need time, not to exceed thirty days, to prepare a report and recommendation. 18 U.S.C. § 3161(h)(1)(H). Thereafter, the parties will need time to prepare objections and responses to objections, and the District Judge will need time to rule on the motion in light of the report and objections. 18 U.S.C. § 3161(h)(1)(H). Finally, counsel will need time to prepare for trial in light of the ruling. The Court finds that all of this cannot take place by the December 19 trial date or in less than four months. Thus, without a continuance, counsel would not have the reasonable time necessary to prepare for trial despite his use of due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv).

The Defendant's motion [Doc. 22] to continue the trial is **GRANTED**, and the trial is reset to **April 17, 2018**. The Court finds, and the parties agree, that all the time between the filing of the Defendant's Motion to Suppress on **November 16, 2017**, and the new trial date of **April 17, 2018**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein. See 18 U.S.C. § 3161(h)(1)(D), -(1)(H), & -(7)(A)-(B). With regard to additional scheduling in this case, the Court extended the deadline for concluding plea negotiations and providing reciprocal discovery to **March 16, 2017**. The Court instructs the parties that all motions *in limine* must be filed no later than **April 2, 2018**. Special requests for jury instructions shall be submitted to the

District Court no later than **April 6, 2018**, and shall be supported by citations to authority pursuant to Local Rule 7.4.

Accordingly, it is **ORDERED** as follows:

- (1) The Defendant's Motion to Continue Trial [**Doc. 22**] is **GRANTED**;
- (2) The trial of this matter is reset to commence on **April 17, 2018, at 9:00 a.m.**, before the Honorable Thomas W. Phillips, United States District Judge;
- (3) All time between the filing of the Defendant's suppression motion on **November 16, 2017**, and the new trial date of **April 17, 2018**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein;
- (4) Both parties may file post-hearing briefs on or before **December 29, 2017**. The parties may file responding briefs by **January 5, 2018**;
- (5) The deadline for concluding plea negotiations and providing reciprocal discovery is extended to **March 16, 2018**;
- (6) Motions *in limine* must be filed no later than **April 2, 2018**; and
- (7) Special requests for jury instructions with appropriate citations shall be submitted to the District Judge by **April 6, 2018**.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge